

County Attorney

MISSION STATEMENT

The mission of the Office of the County Attorney is to act as the chief legal officer of Montgomery County government and to conduct all its legal business.

BUDGET OVERVIEW

The total recommended FY05 Operating Budget for the Office of the County Attorney is \$4,428,950, a decrease of \$7,360 or 0.2 percent from the FY04 Approved Budget of \$4,436,310. Personnel Costs comprise 91.0 percent of the budget for 64 full-time positions and seven part-time positions for 45.2 workyears. Operating Expenses account for the remaining 9.0 percent of the FY05 budget.

Not included in the above recommendation is a total of \$2,563,410 and 26.5 workyears that are charged to: Capital Improvements Program - CIP (\$54,940, 0.5 WY); Board of Appeals, General Fund (\$62,120, 0.5 WY); Cable Television (\$66,800, 0.5 WY); Finance, General Fund (\$120,500, 1.0 WY); Finance, Self Insurance Internal Service Fund (\$1,608,720, 17.0 WYs); Health and Human Services, General Fund (\$285,270, 3.2 WYs); Housing and Community Affairs, General Fund (\$38,920, 0.5 WY); Human Resources, Employee Health Benefit Self Insurance Fund (\$6,080, 0.1 WY); Human Resources, Employee Retirement System (\$18,240, 0.1 WY); Human Resources, Retirement Savings Plan (\$6,080, 0.1 WY); Intergovernmental Relations, General Fund (\$14,420, 0.3 WY); BIT 457 Deferred Comp. Plan (\$71,800, 0.7 WY); Permitting Services (\$117,790, 1.0 WY); and Solid Waste Disposal (\$91,730, 1.0 WY). The funding and workyears for these items are included in the receiving departments' budgets.

PROGRAM CONTACTS

Contact Dennis Via of the Office of the County Attorney at 240.777.6715 or Anita A. Aryeetey of the Office of Management and Budget at 240.777.2784 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Litigation Services

The Litigation Services program prosecutes or defends all contested cases involving Montgomery County government and the Montgomery County Self Insurance Fund before County, State, and Federal administrative or quasi-judicial agencies and trial courts.

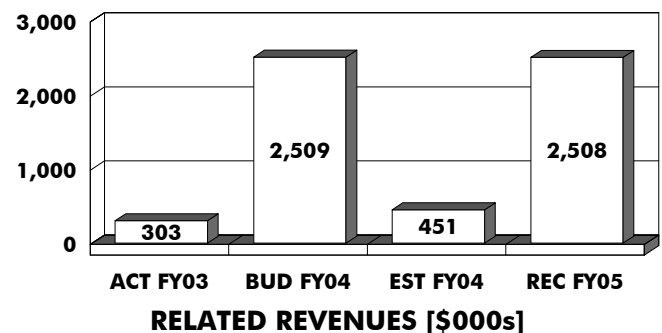
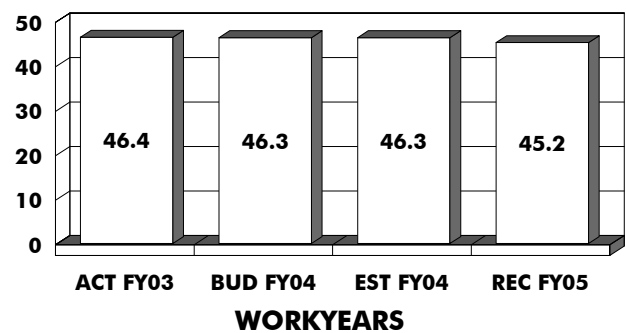
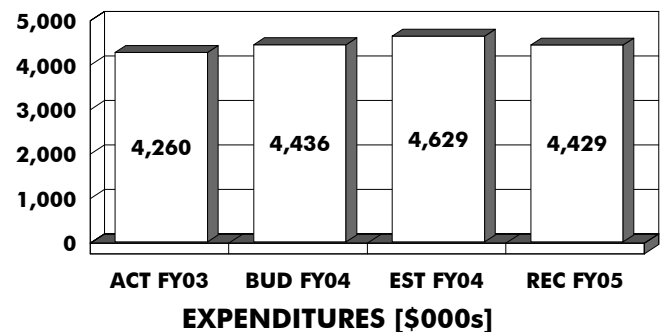
FY05 Recommended Changes

	Expenditures	WYs
FY04 Approved	88,190	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee		

Program Summary

	Expenditures	WYs
Litigation Services	96,820	0.0
General Counsel	2,120,880	17.0
Special Projects	1,195,300	14.0
Support Services	281,730	6.2
Administration	734,220	8.0
Totals	4,428,950	45.2

Trends



benefit changes, and changes due to staff turnover	8,630	0.0
FY05 CE Recommended	96,820	0.0

General Counsel

The General Counsel program provides legal advice and policy direction to all County departments as required by the County Charter. The County Attorney and staff act as counsel and give legal advice to the County Executive, the County Council, and County departments, agencies, boards, and commissions. The program drafts and reviews agreements, legislation, executive regulations, administrative procedures, and other legal documents. The County Attorney and staff testify before public bodies, conduct negotiations, and issue legal opinions.

The Preventive Law and Education portion of the program conducts preventive law programs for County agencies and advises agencies concerning standards imposed or changed by applicable County, State, or Federal laws, regulations, or court decisions. This program also responds to citizen and media inquiries concerning local laws and current legal issues involving Montgomery County. The program provides contract drafting seminars for all contract administrators in the County, witness seminars for employees giving testimony in civil cases, and police use of force instruction among the educational programs offered.

FY05 Recommended Changes

	Expenditures	WYs
FY04 Approved	2,159,130	18.5
Enhance: General Counsel Division - legal services for HHS and HIPPA compliance	84,020	0.8
Shift: Charge to DPWT: Parking District Funds for legal services	-37,750	-0.3
Shift: Charge to DHCA: Montgomery Housing Initiative Fund for legal services	-54,330	-0.5
Shift: DTS-Cable Fund legal support	-66,800	-0.5
Shift: Charge to HHS for legal services	-114,680	-1.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, and changes due to staff turnover	151,290	0.0
FY05 CE Recommended	2,120,880	17.0

Special Projects

The Special Projects program provides representation in all appellate cases, child protective services, code publication, and debt collection. The Appellate Advocacy unit reviews, briefs, and argues all cases on appeal. The Debt Collection unit is responsible for the collection of all monies owed to Montgomery County that were referred to the County Attorney, including past due personal property taxes, code enforcement judgments, subrogation claims, bounced checks, unpaid fines, and other miscellaneous amounts billed by the County but not received. This program is supported by a small percentage of the funds collected.

The Protective Service component of the program is responsible for providing legal counsel and representation to the Department of Health and Human Services, including

guardianship for the disabled, elderly, the Children in Need of Assistance program (CINA), and termination of parental rights cases.

The Code Publishing component of the program is responsible for publishing the Montgomery County Code and other appropriate legal documents. This program is supported by revenue generated from the sale of the code.

FY05 Recommended Changes

	Expenditures	WYs
FY04 Approved	1,178,160	13.6
Increase Cost: Annualization of lapsed positions in FY04	30,160	0.4
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, and changes due to staff turnover	-13,020	0.0
FY05 CE Recommended	1,195,300	14.0

Support Services

The Support Services program is established to provide administrative, research, and technical guidance and support to the other programs within the Department. The program is designed to allow for an equitable distribution of work assignments, to cross-train staff, and to evaluate fairly the performance of the program staff. The program provides administrative support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

FY05 Recommended Changes

	Expenditures	WYs
FY04 Approved	269,210	6.2
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, and changes due to staff turnover	12,520	0.0
FY05 CE Recommended	281,730	6.2

Administration

The Administration program provides internal personnel, financial, and operational management for the Office of the County Attorney.

FY05 Recommended Changes

	Expenditures	WYs
FY04 Approved	741,620	8.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, and changes due to staff turnover	-7,400	0.0
FY05 CE Recommended	734,220	8.0

BUDGET SUMMARY

	Actual FY03	Budget FY04	Estimated FY04	Recommended FY05	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	3,015,633	3,348,410	3,268,170	3,311,680	-1.1%
Employee Benefits	674,780	708,950	681,720	719,320	1.5%
County General Fund Personnel Costs	3,690,413	4,057,360	3,949,890	4,031,000	-0.6%
Operating Expenses	569,945	378,950	678,950	397,950	5.0%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	4,260,358	4,436,310	4,628,840	4,428,950	-0.2%
PERSONNEL					
Full-Time	62	62	62	64	3.2%
Part-Time	8	8	8	7	-12.5%
Workyears	46.4	46.3	46.3	45.2	-2.4%
REVENUES					
Child Welfare FFP Federal Reimbursement	193,713	338,960	280,320	338,960	—
Revenue Authority Reimb. for Legal Services	0	75,200	75,200	74,050	-1.5%
County Code CD-Rom	0	15,000	15,000	15,000	—
Collection of Delinquent Taxes	0	2,000,000	0	2,000,000	—
County Code Subscription Fee	109,365	80,000	80,000	80,000	—
County General Fund Revenues	303,078	2,509,160	450,520	2,508,010	0.0%

FUTURE FISCAL IMPACTS

Title	CE REC. FY05	FY06	FY07	(S000's) FY08	FY09	FY10
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY05 Recommended	4,429	4,429	4,429	4,429	4,429	4,429
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Approved in FY05	0	25	25	25	25	25
New positions in the FY05 budget are generally assumed to be filled at least two months after the fiscal year begins. Therefore, the above amounts reflect annualization of these positions in the outyears.						
Labor Contracts	0	213	445	486	486	486
These figures represent the annualization of FY05 increments, general wage adjustments, and associated benefits. Estimated compensation (e.g., general wage adjustment and service increments) for personnel are included for FY06 and beyond.						
Subtotal Expenditures	4,429	4,668	4,899	4,940	4,940	4,940

COUNTY ATTORNEY

PROGRAM:

Special Projects

PROGRAM ELEMENT:

Debt Collection

PROGRAM MISSION:

To provide timely and efficient collection of delinquent monies owed to Montgomery County

COMMUNITY OUTCOMES SUPPORTED:

- Provide high value for tax dollars
- Ensure respect for the law
- Ensure accountability

PROGRAM MEASURES
Outcomes/Results:

	FY01 ACTUAL	FY02 ACTUAL	FY03 ACTUAL	FY04 BUDGET	FY05 CE REC
Delinquent funds collected (\$000) ^a	12,131	7,006	8,510	8,000	8,000

Service Quality:

Average time to close a case (days)	377	461	626	431	69
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Percentage of cases closed ^b	15.6	21.9	62.3	19	16
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Efficiency:

Cost per closed case (\$)	63.44	62.48	30.03	63.23	66.25
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Delinquent funds recovered per closed case (\$)	1,781.87	941.41	696.06	1,230.77	1,000.00
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Delinquent funds recovered per dollar expended (\$)	28.09	15.07	23.18	19.47	43.44
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Workload/Outputs:

Total cases opened	7,786	9,879	5,707	5,900	12,000
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Total cases closed	6,808	7,442	12,226	6,500	8,000
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Inputs:

Expenditures (\$)	431,874	464,977	367,124	410,965	347,500
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Workyears	8.0	8.0	8.0	8.0	8.0
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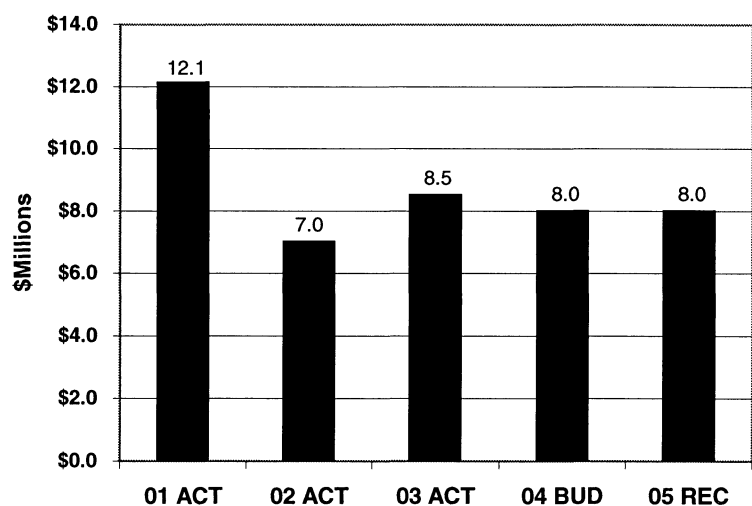
Notes:

^aThe FY01 collections total includes a significant number of non-delinquent tax bills that were erroneously referred to - and subsequently collected by - the Debt Collection Unit. (Penalty and interest were not assessed on those bills.)

^bThe percentage of cases closed refers to cases opened and closed in the same fiscal year.

EXPLANATION:

The Debt Collection Unit is responsible for the collection of all monies owed to Montgomery County that were referred to the County Attorney, including past due personal property taxes, code enforcement judgments, subrogation claims, bounced checks, unpaid fines, and other miscellaneous amounts billed by the County but not received. The funds collected have greatly exceeded the cost of the program: collections were about nine times greater than program expenditures in FY00, 15 times greater in FY02, and 23 times greater in FY03 (FY01 figures are not comparable, as explained in the Notes). The Unit's focus in FY04 and FY05 will be on further reducing the cost of collection. The Unit expects greater efficiencies in FY04 with the implementation of a new debt collection system.

Delinquent Funds Collected (\$Millions)


PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: Office of the County Attorney, Montgomery County Treasury Division, Maryland State Department of Assessments and Taxation.

MAJOR RELATED PLANS AND GUIDELINES: Maryland Tax Code, Montgomery County Tax Policies.